

# Faculty Organization Plan

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# **THE GEORGE WASHINGTON UNIVERSITY FACULTY ORGANIZATION PLAN**

Originally put in operation in 1960; as amended most recently in 1987.

## **Article I. Purpose and Power**

### **SECTION 1. OBJECTIVE**

The objective of the Faculty Organization Plan is to enable the Faculty of The George Washington University, in keeping with sound principles of university organization, to perform effectively its functions and responsibilities with respect to educational policy and objectives of the University and related affairs in which the faculty has a legitimate concern or interest. The provisions of the Plan shall be interpreted and applied in accordance with the stated objective of the Plan.

### **SECTION 2. STRUCTURE AND POWERS**

The Faculty Organization shall consist of two bodies: the Faculty Assembly (hereafter "Assembly"), which shall consist of academic personnel holding the rank of professor, associate professor, assistant professor, or instructor who are in full-time service and the administrative personnel provided for hereafter; and the Faculty Senate (hereafter "Senate"), which shall be a representative body acting for the Faculty as the whole in legislative and advisory capacities. The powers, duties, and privileges of the Assembly and Senate shall be exercised in accordance with the Charter of the University and subject to the authority of the Board of Trustees, and they shall relate to matters that are of concern to more than one college, school, or division, or to the Faculty.

## **Article II. The Faculty Assembly**

### **SECTION 1. MEMBERSHIP**

The Faculty Assembly shall consist of the academic personnel holding the rank of professor, associate professor, assistant professor, or instructor who are full-time employees (or, in the School of Medicine and Health Sciences, the equivalent as defined in affiliation agreements) of a degree-granting college, school, or division of the University and the President, the Vice President for Academic Affairs, the Treasurer, the University Librarian, the Registrar, the Director of Admissions, and the officers of administration appointed by the President to the Senate. Vice presidents and other academic personnel in full-time service, and professors and associate professors emeriti, may attend meetings of the Assembly and shall be privileged to speak; but they shall not have the right to make motions or to vote.

### **SECTION 2. OFFICERS**

The President shall be Chairman of the Assembly, the Vice President for Academic Affairs shall be the Vice Chairman, and the Registrar shall be the Secretary.

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### Article III. The Faculty Senate

#### SECTION 1. FUNCTIONS

The Faculty Senate, on behalf of the Faculty, shall, with respect to matters that are of concern to more than one college, school, or division, or to the Faculty:

(1) Formulate principles and objectives and find facts, so as to recommend policies to the President;

(2) Provide the President and the Board of Trustees with advice and counsel on such matters as they may request;

(3) At the direction of the Assembly—or may, at the request of the faculty of any college, school, or division, or of individual faculty members, or on its own initiative—consider any matters of concern or interest to more than one college, school, or division, or to the Faculty, and make its recommendations or otherwise express its opinion with respect thereto, to the Assembly, the President, or through the President to the Board of Trustees;

(4) Be the Faculty agency to which the President initially presents information and which he consults concerning proposed changes in existing policies or promulgation of new policies.

#### SECTION 2. ORGANIZATION

##### (a) Membership

(1) The President shall be a member of the Senate ex officio, and he or another presiding officer may vote to break a tie vote.

(2) Persons who are otherwise eligible for election to and service in the Senate shall be members of the University and shall not be in a probationary status. Questions of eligibility for election and service shall be determined by the Senate.

(3) The faculty members of the Senate shall be elected by and from their faculties as follows: Columbian College of Arts and Sciences, nine; the Schools of Education and Human Development, Engineering and Applied Science, Government and Business Administration, Medicine and Health Sciences, and the National Law Center, three each; and the School of International Affairs and the Graduate School of Arts and Sciences, one each. The faculty members shall be professors, associate professors, or assistant professors in full-time service who have tenure as of the academic year next succeeding the date of election. Vice presidents, assistant vice presidents, deans, associate deans, assistant deans, and other faculty members whose duties are primarily administrative in nature shall be ineligible for election as faculty members of the Senate.

(4) The administrative members of the Senate shall consist of the Vice President for Academic Affairs, the Registrar, and a number of officers of administration equal to the number of degree-granting colleges, schools, and divisions. Administrative members shall have the right to debate but not to make motions or vote. They shall be appointed by the President and shall serve until their successors shall be appointed, but not less than one semester unless their service is terminated by separation from the University.

Senate, and in his absence, the President for Academic Affairs. The Registrar shall be Secretary of the officers of the Senate.

Senate shall be two years beginning if necessary, the terms shall be adjournment of the Senate, so as to elect each year.

shall be held subject to the following procedures determined by the faculty involved:

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ne service shall be eligible to vote.

s called by the academic deans of each year. A quorum shall be that of the individual school, college, or faculty meetings.

in the Senate membership or a member shall be entitled to elect another or pro tempore for the period of

ll be held at stated intervals as often during each semester of the year as directed by the President, acting on his behalf by the Executive Committee or the Assembly or the officers of the Senate.

whole number greater than one-half shall be exercised by the affirmative vote of the members present and voting, except by a majority for particular business.

(c) The agenda for any meeting shall be made available in writing by the Secretary of the Senate to all members of the Senate at least seven days prior to the meeting in the case of regular meetings, and with the call in the case of special meetings, and shall be made available for inspection by all members of the Assembly. If, at any regular meeting, any item of business is deemed sufficiently urgent by a majority of the faculty members of the Senate, or by two-thirds of the faculty members present and voting, whichever is the greater, action may be taken with regard thereto by the Senate at such meeting without its previous inclusion in the agenda.

(d) A summary of the minutes of each meeting shall be furnished by the Secretary of the Senate to all members of the Assembly and such administrative officers as the President shall designate. A copy of the full minutes shall be made available by the Secretary for inspection by any such member or officer.

(e) Except as otherwise provided herein, or required by the Assembly, the Senate may adopt such bylaws and other rules concerning its government and procedures as it considers appropriate.

#### SECTION 5. COMMITTEES

##### (a) General

There shall be three kinds of Senate committees: the Executive Committee, standing committees, and special committees. The Executive Committee and all standing committees shall meet as directed by the Senate, or as determined necessary by the committees themselves or their chairmen, but not less than once a year. Committee meetings shall be conducted according to orderly procedure, records of deliberations shall be kept, and reports shall be made to the Senate as often as required, but at least annually. Copies of all formal reports shall be filed with the Secretary and shall be available for inspection by members of the Assembly and the administrative officers of the University. Members of the Executive Committee and standing committees shall be elected for a term not exceeding one year. No member of the Executive Committee shall immediately succeed himself more than twice. The Senate shall establish such procedures for temporary replacement of members of the Executive Committee as shall seem necessary to assure that the Executive Committee would not be prevented from acting effectively in emergencies because of inability to assemble a quorum of its membership.

##### (b) The Executive Committee

The Executive Committee shall consist of seven faculty members of the Senate and the President ex officio. The following six schools shall have one representative each: the Columbian College of Arts and Sciences, the National Law Center, the School of Education and Human Development, the School of Engineering and Applied Science, the School of Medicine and Health Sciences, and the School of Government and Business Administration. The seventh seat shall alternate biennially between the Senate representatives of the School of International Affairs and the Graduate School of Arts and Sciences. Any faculty member of the Senate shall be eligible to be elected to the Executive Committee. The Chairman shall first be elected by the Senate; the Senate shall also elect the other six elective

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service. Special committees may be established by the Senate, and subcommittees may be established by the Senate or by its committees, and special committees and subcommittees shall be composed of such members as the Senate or its committees may provide. The chairman of every standing committee shall be a faculty member of the Senate, and every Senate committee and subcommittee shall include at least one faculty member of the Senate.

(3) The Senate may elect any person to membership in any Senate committee. The President may appoint to nonvoting membership in any standing or special Senate committee any officer of administration whose duties fall within the committee's scope.

#### Article IV. Amendments

Amendments to this University Faculty Organization Plan may be proposed to the Assembly by the President, by the Senate through petition to the President as Chairman of the Assembly, or by 100 of the faculty members of the Assembly. Voting on a proposed amendment by the Assembly may be at a regular or special meeting. For adoption of a proposed amendment by the Assembly, a favorable vote of either two-thirds of those voting, or a majority of the voting members of the Assembly, whichever is the lesser, shall be required. Amendments so adopted shall be submitted to the Board of Trustees for its approval and shall become effective only when so approved.

### APPENDIX I

#### \*Rules of Procedure for Faculty Assembly Meetings

1. NOTICE OF MEETING. Notice of a meeting of the Assembly shall consist of the time and place of the meeting, the type of meeting, whether regular or special, the means by which the meeting has been called, and the Agenda prepared by the President; and the Secretary shall put the Notice in the University mail at least ten days (not including the meeting day) prior to the meeting day.
2. PRESIDING OFFICER. The President shall be Chairman of the Assembly and its presiding officer. In the absence of the President, the Vice President for Academic Affairs shall preside, and in his absence, the Chairman of the Executive Committee of the Faculty Senate.
3. ORDER OF BUSINESS. The ordering of business on the Agenda shall be done by the President, and matters may be taken up out of the announced order at the Chairman's discretion. A matter for debate that does not appear in the Agenda may be taken up only by a majority vote suspending the Rules of Procedure for that matter.
4. MEETINGS. Attendance at meetings of the Assembly shall be confined to members, except as individuals are invited by the President to attend, and subject to the Assembly's right to declare the meeting closed to nonmembers by a majority vote.

\*Adopted by the Faculty Assembly September 13, 1966; minor editorial changes made in March 1971 to conform the text to 1970 amendments to the Faculty Organization Plan.

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amended to date by the Faculty Senate.

## SECTION 2. ORDER OF BUSINESS AND AGENDA

(a) The order of business for regular meetings of the Senate shall be as follows:

- (1) Call to order
- (2) Approval of the minutes of the previous meeting
- (3) Special business; for example, matters postponed to this meeting
- (4) Resolutions reported out of Committees, with reports if any
- (5) Introduction of Resolutions
- (6) General business; for example, announcements, nominations, elec-  
tions, appointments, and Committee reports unaccompanied by Resolutions
- (7) Brief statements
- (8) Adjournment

(b) The minutes of the previous meeting shall not be read aloud prior to their approval if written copies have been previously circulated to members of the Senate, unless the Senate shall by majority vote, without debate, order them to be read.

(c) The Executive Committee shall include in the Agenda for any meeting any matters requested by the President or by 20 percent of the members of the Senate. Arrangement of the Senate's business upon the Agenda within the above categories shall be the duty of the Executive Committee. Matters on the Agenda may be taken up out of order by a majority vote.

(d) The Agenda for a regular meeting shall be available to members in writing in the office of the Secretary, and a copy of the Agenda addressed to each member shall be put in the University mail, on the seventh day before the meeting day.

(e) The Agenda for a regular meeting shall be accompanied by copies of reported Resolutions scheduled for debate, including those that originate in Committees and have not theretofore been introduced, and copies of Committee Reports submitted with Resolutions. If, at any regular meeting, any item of business is deemed sufficiently urgent by a majority of the faculty members of the Senate, or by two-thirds of the faculty members present and voting, whichever is the greater, action may be taken with regard thereto by the Senate at such meeting without its previous inclusion in the Agenda.

(f) The Agenda for a special meeting shall be prepared by the Executive Committee and may be incorporated in the call for the meeting. The minutes of a special meeting shall be approved at the next regular meeting. No Resolution, nor any item of business, not on the Agenda for the special meeting shall be considered by the Senate.

## SECTION 5. COMMITTEE REPORTS

(a) Committee Reports shall be of three kinds: Annual Reports, Final Reports, and Special Reports.

(1) Each Standing Committee and the Executive Committee shall submit an "Annual Report" of activities during the session. Resolutions attached to an Annual Report shall be the business of the Committee in the next session, and with the consent of the Committee's Chairman, the Resolutions may be put upon the Agenda of any meeting in the next session.

(2) Each Special Committee shall submit a "Final Report" to the Senate at the conclusion of its activities and shall, with submission of the Final Report, move to be discharged.

(3) A "Special Report" may be submitted by any Committee at any time, either in support of its reporting a Resolution, or by way of information to the Senate on the Committee's activities.

(b) A Committee Report must be adopted by a majority of the Committee and shall be submitted over the name of the Chairman, whether he concurs in the Report or not. The Chairman and members of the Committee may submit their separate views for attachment to the Committee Report over their separate names. A Committee Report shall be "submitted" when it is delivered in writing to the Chairman of the Executive Committee. Each Committee Report more than three double-spaced typewritten pages in length shall commence with a "Summary" not more than one such page in length for distribution to the Faculty Assembly.

(c) The submitted Committee Report shall be circulated to the members of the Senate and shall be included in the minutes at the next appropriate meeting, but it shall not be read aloud unless requested by a majority vote. No Senate action regarding a Committee Report as such shall be in order, whether to receive, adopt, or accept it. The appropriate manner of securing debate and adoption of a Committee's proposals shall be to frame them as Resolutions.

## SECTION 6. VOTING

(a) Elected members of the Senate shall be the voting members, except as provided below to break a tie vote.

(b) A "majority vote" shall be one vote more than one-half of the elected members present and voting, and a "quorum" shall consist of one-half of the elected members; and if "one-half" equals a fraction, the number required for a majority vote or a quorum shall be the next higher whole number.

(c) Voting shall ordinarily be by voice, with the presiding officer calling for the Ayes and Nays and declaring the result; except that any member, elected or ex officio, may call for a division of the Senate.

(d) Voting in a division of the Senate shall ordinarily be by show of hands, with the presiding officer appointing nonvoting tellers and announcing the Ayes and Nays. In a division of the Senate the presiding officer may, when he announces a tie vote, vote orally to break the tie vote.

s a roll call vote shall be taken. The recording beside each name "Aye," presiding officer shall vote last and the Ayes and the Nays. The presiding officer shall call vote.

ay be taken. The Secretary as teller the presiding officer, who shall announce the Ayes and the Nays, the Secretary vote orally to break the tie.

agenda as reported by a Committee, and no second or other motion is in committee, ordinarily the Chairman, shall debate on the merits.

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and upon a majority vote if demanded for a germane statement not to exclude any person.

t before the Senate at a regular session in the procedures set out in Section 9. Within the competence of the discussion of the statement. Other motions shall not be considered a debate. The order of motions may be set in advance of the meeting, but need not, be set forth in the agenda of referral, but not the details

interrupted by the following motion: "I move to terminate discussion of the subcommittee on . . . (naming an appropriate committee) to terminate discussion of the subcommittee on . . . (naming an appropriate committee) shall be amendable only in respect of

contrary in the Bylaws, the Senate shall maintain Order.

d at the first regular meeting of the Senate and consent of the Senate. The Secretary shall advise on the Senate. He shall advise on the Senate. He shall assist in the drafting of Resolutions.

(c) Rulings announced by the presiding officer shall govern the Senate unless appealed and overruled by a majority vote. It shall be the duty of the Parliamentarian to frame issues of procedure as proposed amendments to the Bylaws.

#### SECTION 9. AMENDMENTS

Amendments to the Bylaws may be introduced and referred to the Executive Committee, or they may be originated within the Executive Committee at the suggestion of the Parliamentarian, and they shall be treated as nearly as may be as Resolutions. Enactment shall be by a majority vote. Amendments shall not be considered under a suspension of the rules of order.

#### SECTION 10. STANDING COMMITTEES

There shall be standing committees for the following areas: Administrative Matters as They Affect the Faculty; Appointment, Salary, and Promotion Policies; Athletics; Educational and Admissions Policy; Fiscal Planning and Budgeting; Honors and Academic Convocations; Libraries; Physical Facilities; Professional Ethics and Academic Freedom; Research; Student Financial Aid; University Development and Resources; and University and Urban Affairs.

Other standing committees created by the Senate shall continue in force.

Although members of standing committees are elected for terms not exceeding one year, it is the sense of the Senate that a greater degree of continuity and consistency in the transaction of committee business will be assured if elected members consider it an obligation to stand for re-election to the same committee at least once.

All standing committees shall hold at least one meeting at the beginning of each Senate Session.



(Revision of the 1996 Faculty Code by Faculty Senate Resolution 99/2 dated 12/10/99 and Faculty Senate Resolution 00/2 dated 10/13/00 and by Board of Trustees Action, adopted October 20, 2000)

*Faculty Code*

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**X. RIGHTS, PRIVILEGES, AND RESOLUTION OF DISPUTES UNDER THIS CODE**

**A. Rights and Privileges Under This Code**

The rights, privileges, and responsibilities of a faculty member, as conferred by this Code, shall be carefully safeguarded in accordance with the highest accepted principles, practices, and procedures of the academic community. An alleged infringement of such rights or privileges or an alleged violation of such responsibilities shall first be considered by the faculty member or members concerned, or by appropriate representatives of the faculty, in cooperation with the responsible administrative officers. If such consideration does not lead to an adjustment satisfactory to the parties involved, the procedures for the implementation of this Article shall be fully utilized.

**B. Grievances**

To maintain a grievance, the complaining party must allege that he or she has suffered a substantial injury resulting from violation of rights or privileges concerning academic freedom, research or other scholarly activities, tenure, promotion, reappointment, dismissal, or sabbatical or other leave, arising from:

1. Acts of discrimination prohibited by federal or local law;
2. Failure to comply with the Faculty Code, or Faculty Handbook, or other rules, regulations, and procedures established by the University;
3. Arbitrary and capricious actions on behalf of the University, or arbitrary and capricious applications of federal or local statutes and regulations; or
4. Retaliation for exercise of Code-protected rights.

## *Procedures for the Implementation of the Faculty Code*

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### **E. Procedures for Implementation of Article X of the Faculty Code**

#### **1. Informal Resolution**

Before instituting a formal grievance, the aggrieved party shall make all reasonable efforts to achieve a resolution of the situation through informal consultation with the appropriate faculty members and administrative officers.

#### **2. Dispute Resolution Committee**

The Faculty Senate shall elect a Dispute Resolution Committee of fifteen tenured, active-status faculty members, no more than three of whom shall be members of the faculty of any one school (except that four may be members of the faculty of Columbian School and four may be members of the Law School) and none of whom may be serving as academic administrators. The members of the Committee shall serve three-year staggered terms so that the terms of five of the members shall expire each year. The Faculty Senate shall designate the Chair of the Committee from among the members of the Committee. Alternate temporary members may be appointed at any time by the Executive Committee to facilitate the dispute resolution procedures.

#### **3. Preliminary Proceedings**

If informal consultation fails to resolve the matter or if the aggrieved party concludes that such consultation is not feasible or would be futile, the aggrieved party shall refer the dispute to the Dispute Resolution Committee by means of a letter addressed to the Chair with copies sent to the Chair of the Executive Committee of the Faculty Senate and to the Vice President for Academic Affairs on behalf of the University. The letter shall identify the general nature and circumstances of the dispute. Unless either the University or the aggrieved party objects, the Chair of the Dispute Resolution Committee shall promptly appoint a special mediator of appropriate qualifications to assist the University and the aggrieved party to resolve the dispute. The Special mediator shall report to the chair of the dispute resolution committee that a mutually satisfactory solution has been achieved,

in which case the grievance shall be dismissed, or that efforts at mediation were unsuccessful.

#### **4. Formal Proceedings**

##### **a) Commencement of Proceedings**

1) If either party declines to mediate or to continue to mediate, or if efforts at mediation are unsuccessful, the aggrieved party may commence formal proceedings by means of a grievance sent to the Chair of the Dispute Resolution Committee, with copies sent to the Chair of the Executive Committee of the Faculty Senate and to the Vice President for Academic Affairs on behalf of the University.

2) The grievance shall identify the aggrieved party as the "Grievant" and shall name The George Washington University as the "Respondent." A grievance may not be brought against faculty members of the University, acting in their individual capacities as faculty members. Consistent with Article X.B., a grievance may only be maintained against the University for official acts. The Vice President for Academic Affairs shall identify the appropriate faculty member or administrative official who shall act on behalf of the University as Respondent.

3) The grievance shall set forth with particularity the nature of the dispute, specifying, consistent with Article X.B., the rights or privileges under the Faculty Code alleged to have been violated, the specific act or acts alleged to constitute the violation, and the remedy sought. The grievance shall also set forth the Grievant's efforts to resolve the dispute informally, or if no such efforts were made, the reasons for failing to make such efforts. No grievance may be maintained on the basis of error that did not affect the substantial rights of the Grievant.

4) Within twenty calendar days of receipt of the grievance the University shall reply in writing, sending copies of the reply to the Chair of the Dispute Resolution Committee, the Chair of the Executive Committee of the Faculty Senate, and the Grievant. The reply shall set forth with particularity the position of the University with respect to each allegation of the grievance.

b) Hearing Committee and Hearing Officer

1) Within a reasonably prompt period of time, ordinarily within ten calendar days of receipt of the grievance and reply, the Chair of the Dispute Resolution Committee shall, appoint a Hearing Committee of three members from among the members of the Dispute Resolution Committee. The Chair of the Dispute Resolution Committee shall designate one member of the Hearing Committee to serve as the presiding Hearing Officer. The Hearing Officer shall have appropriate experience and training but need not be an attorney. The Hearing Officer, in addition to serving as a full member of the Hearing Committee, shall assure an orderly, expeditious, and relevant hearing, assure the development of a complete, fair, and reliable record, and advise the Hearing Committee as to issues of substance and procedure.

2) No member of the same department as the Grievant shall sit on the Hearing Committee. Any party to a dispute may disqualify one member of the Hearing Committee by peremptory challenge. Any party may also seek to disqualify any member of the Hearing Committee for cause. The Chair of the Dispute Resolution Committee shall decide any challenges for cause, based on written submissions from the parties. The Chair of the Dispute Resolution Committee shall, from among the remaining members of the Dispute Resolution Committee, fill any vacancies on the Hearing Committee created by challenges.

3) When all challenges have been decided and vacancies filled, and as soon as reasonably possible after receipt of the grievance and reply, the Hearing Officer shall convene the Hearing Committee to review the grievance. If a majority of the Hearing Committee, after an opportunity for argument by the parties, finds that the grievance does not allege facts sufficient to state a grievance under the Code, or that the grievance is based on evidence or allegations substantially the same as those that have previously been heard or decided, or that could have been presented in a previous hearing, the grievance shall be automatically referred to the Dispute Resolution Committee for consideration at the earliest reasonable time. If a majority of the Dispute Resolution Committee, after an opportunity for argument by the parties, agrees that for any of the

reasons set out in this section a hearing is not warranted, the grievance shall be dismissed, in whole or in part, and the matters dismissed shall be deemed closed.

4) On the determination that a hearing is warranted, the Hearing Officer shall promptly convene the Hearing Committee, which shall establish a schedule for the hearing. Grievances shall be heard and decided with reasonable dispatch, and, ordinarily, shall be completed by the Hearing Committee within three months after the determination that a hearing is warranted. However, due consideration shall be given to the University's normal academic calendar.

5) Members of the Hearing Committee shall be present during the hearings and deliberations of the Committee, except that the presence during part of the proceedings of one of the two not serving as the Hearing Officer may be waived by agreement of the parties.

6) It shall be the duty of the Hearing Officer to convene promptly the meetings of the Hearing Committee and to preside; to assure the expeditious disposition of the case; to rule on all questions of procedure necessary to the conduct of the hearing, subject to being overridden by the other two members of the Hearing Committee; to control the development of testimony and of evidence in the record; to prepare or assign the writing of an opinion on behalf of the Hearing Committee; and to advise the Hearing Committee in its deliberations on questions of substance and procedure. The Hearing Officer is a full member of the Hearing Committee, and the Hearing Committee shall decide all ultimate questions of fact, substance, procedure, or policy, by majority vote. The Hearing Officer shall sign dispositive orders on behalf of the Hearing Committee.

7) Members of the Hearing Committee, members of the Dispute Resolution Committee, and the parties shall avoid ex parte communications bearing on the substance of the dispute.

#### c) Procedure for Hearings

1) The parties to the proceedings shall be entitled to appear in person and to be represented by counsel or other adviser.

2) A grievance procedure is not a formal judicial proceeding. Its purpose is to provide a fair evaluation of an allegation that a right or privilege has been violated. In order to achieve that end, the Hearing Committee shall have authority to call any material witness who is a member of the University faculty, administration, or staff and any other person who is willing to testify; to question parties and witnesses; to exclude matters it deems irrelevant; to place reasonable limits on arguments, the presentation of evidence, and the questioning of witnesses by the parties. The University will make a reasonable effort to facilitate the appearance of all faculty, administration, and staff reasonably called to testify.

3) The procedure at the hearings shall be informal but shall comply with the requirements of fairness to the parties. The Hearing Committee is not required to comply with rules of evidence applicable in courts of law and may receive any relevant evidence that is not privileged. The Hearing Committee may decline to consider evidence when its probative value is outweighed by considerations of unfair prejudice, confusion of the issues, undue delay, waste of time, or needless presentation of cumulative evidence. The parties shall be entitled to testify on their own behalf; to call as material witnesses any member of the University faculty, administration, or staff and any other person who is willing to testify; to present written and other evidence; and to cross-examine witnesses called by other parties. A party shall be entitled to inspect and copy, in advance of the hearing, all relevant documents in the control of the other party and not privileged and may offer such documents or excerpts therefrom in evidence.

4) The parties shall be entitled to present opening and closing statements.

5) A stenographic record or tape recording of the hearings shall be made and one copy, which shall be available to all parties, kept on file by the University.

6) The hearings shall be open to the public unless, on the motion of a party or the Hearing Committee, the Hearing Committee shall determine that it is in the best interest of the University and the parties that the hearings be closed.

7) At the conclusion of the presentation of evidence and argument from both sides, the Committee shall convene in closed session to deliberate and reach a decision. In rendering its decision, the Hearing Committee shall not substitute its judgment for that of the maker of the decision being challenged. Rather it shall determine whether the

Grievant has established by clear and convincing evidence that he or she has suffered a substantial injury pursuant to Article X.B.

8) The Hearing Committee shall render its findings and recommendations in a written opinion that shall state the number of members subscribing to the opinion and shall include dissenting opinions, if any. This opinion shall be submitted to the Chair of the Dispute Resolution Committee, and copies shall be transmitted to the parties and to the Chair of the Executive Committee of the Faculty Senate.

9) The hearing procedures shall be concluded and the Hearing Committee's findings and recommendations shall be rendered as soon as practicable.

## **5. Appeals**

a) Any party may appeal the findings and recommendations of the Hearing Committee by filing a notice of appeal with the Chair of the Dispute Resolution Committee and sending copies thereof to the Chair of the Executive Committee of the Faculty Senate and to the other parties. The notice of appeal must be filed within ten calendar days of the receipt of the decision of the Hearing Committee.

b) An appeal shall be heard by members of the Dispute Resolution Committee who were not members of the Hearing Committee, provided that members of the Dispute Resolution Committee who were disqualified from sitting as members of the Hearing Committee and members of the same department as the Grievant shall not participate in the hearings of the appeal. A quorum for hearing an appeal shall be two-thirds of those members of the Dispute Resolution Committee eligible under the terms of this section.

c) The parties to an appeal shall be entitled to present written and oral argument. However, evidence not introduced in the hearing may not be considered on appeal.

d) The Dispute Resolution Committee shall decide by majority vote and render an opinion in writing, sustaining, modifying, overruling, or remanding the decision of the Hearing Committee.

## **6. Recommendations**

A Hearing Committee and the Dispute Resolution Committee may recommend that the University action being challenged be upheld, modified, reconsidered or remanded under specified conditions, or reversed, in whole or in part. A Hearing Committee and the Dispute Resolution Committee may not include as part of their recommendations any monetary damages, punitive damages, or any other

actions or measures outside of the scope of the underlying University action being challenged.

## **7. Final Disposition**

In the absence of a timely appeal filed by either party from a decision of a Hearing Committee, or after a decision of the Dispute Resolution Committee, such decision shall be transmitted to the parties, to the Chair of the Executive Committee of the Faculty Senate, and to the Vice President for Academic Affairs. The decision of the relevant Committee shall be deemed final and shall be implemented by the University unless the Vice President for Academic Affairs determines that there are compelling reasons not to implement the relevant Committee's decision. In the event of such a determination, the Vice President shall transmit his or her determination (including an explanation of such compelling reasons) and recommendation, and the record of the case through the President of the University to the Board of Trustees, or, at the election of the Grievant, solely to the President, with copies to the Grievant and the Chairs of the Dispute Resolution Committee and the Executive Committee of the Faculty Senate, for a prompt decision of the President or the Board of Trustees.